FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 282/2018 IN FIRST APPEAL ST. NO. 9508/2017
(RAMHARI AVDHUTRAO UGHADE & OTHERS **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri S.U. Nemade, counsel for appellants.
Ms M.Naik, A.G.P. For the R-1 & 2.

CORAM : A.S. CHANDURKAR, J.
DATE : JANUARY 08, 2019.

By this application, it is prayed that the delay in filing the appeal be condoned.

It is stated by the applicants that the reference Court decided the proceedings on 21.03.2016. However, the amount of enhanced compensation was received only on 20.01.2017. Thereafter, the application for certified copy was made and after receiving the same, the appeal has been filed on 24.04.2017. It is thus prayed that, the delay be condoned.

The application is opposed by learned Assistant Government Pleader for the non-applicant nos.1 and 2 by relying upon the decision in *Basawaraj & Another Versus Spl. Land Acquisition Officer* [**2013 (10) Scale 391**]. It is urged that the reasons mentioned are not sufficient for condoning the delay.

On hearing the learned counsel for the parties and after perusing the documents on record, it is clear that the amount of enhanced compensation was received by the claimant on 20.01.2017 after which they have taken steps for filing the appeal. At the same time, interest of the non-applicants would also have to be taken into consideration.

Hence, by directing that the claimants would not be entitled for interest on the amount of compensation if enhanced for the period from 21.03.2016 till 24.04.2017, the delay stands condoned.

Civil application is allowed in aforesaid terms and disposed of.

F.A. ST. NO. 9508/2017.

Heard. **ADMIT**. Call for Record & Proceedings.

Learned Assistant Government Pleader Ms. M. Naik waives notice of hearing on behalf of respondent nos.1 and 2.

Learned counsel Shri M.A. Kadu waives notice of hearing on behalf of respondent no.3.

In view of orders passed on Civil Application (F) No.282 of 2018, the claimants would not be entitled entitled for interest on the amount of compensation if enhanced for the period from 21.03.2016 till 24.04.2017.

JUDGE

APTE